

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ARTESANIAS HACIENDA REAL :
S.A. de C.V., :
: Plaintiff, : CIVIL ACTION NO. 16-4197
v. :
: Defendants. :
NORTH MILL CAPITAL LLC and :
LEISAWITZ HELLER, :
:

ORDER

AND NOW, this 12th day of July, 2017, after ordering the parties to file supplemental memoranda as to whether the instant action should be resolved independent of the bankruptcy action currently pending before the United States Bankruptcy Court (Doc. No. 58); and after considering the corresponding supplemental memoranda filed by the parties (Doc. Nos. 64, 65, 66), and any responses thereto (Doc. Nos. 68, 69, 70); accordingly, it is hereby **ORDERED** as follows:

1. In accordance with 28 U.S.C. § 157, and the standing orders of the United States District Court for the Eastern District of Pennsylvania, this matter is hereby **REFERRED** to the United States Bankruptcy Court for the Eastern District of Pennsylvania;¹

¹ Pursuant to 28 U.S.C. § 157, “[e]ach district court may provide that any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 shall be referred to the bankruptcy judges for the district.” 28 U.S.C. § 157(a). In accordance with this statute, this Court has ordered that “any and all cases under chapter 7, 11, 12, and 13 of Title 11 and any and all proceedings arising under Title 11 or arising in or related to a chapter 7, 11, 12, or 13 case under Title 11 are and shall be referred to the Bankruptcy Judges for the district.” See July 25, 1984 E.D. Pa. Bankr. Admin. Order, as amended by November 8, 1990 E.D. Pa. Bankr. Admin. Order.

In this matter, the plaintiff alleges that the defendants attempted to “secretly, unlawfully and otherwise improperly divert assets from insolvent corporation Wilton [Armetale, Inc.] for the benefit of North Mill [Capital LLC], [Ivan] Jeffery, and Leisawitz Heller, and with the intent and illegitimate purpose of hindering, delaying and prejudicing [the plaintiff’s] ability to enforce and collect obligations and this Court’s judgment due [the plaintiff] from Wilton.” See First Am. Compl. at ¶ 1, Doc. No. 38. Thus, it appears that this matter would constitute a “core proceeding” insofar as the plaintiff seeks to “determine, avoid, or recover fraudulent conveyances[.]” See §

2. The Clerk of the Bankruptcy Court is directed to docket this matter as an adversary proceeding in the Wilton Armetale, Inc. bankruptcy, docket number 16-16779; and

3. The clerk of court shall mark this matter as **CLOSED**.

BY THE COURT:

/s/ *Edward G. Smith*
EDWARD G. SMITH, J.

157(b)(2)(H). At a minimum, this matter is related to the bankruptcy proceeding currently pending in the Bankruptcy Court. *See* § 157(a). Therefore, the court finds that referral of this matter is appropriate.